



Linda S. Adams  
Secretary for  
Environmental Protection

## California Regional Water Quality Control Board San Diego Region

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Arnold Schwarzenegger  
Governor

### CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7003 1680 0000 7397 7684

June 29, 2007

Mr. Winston Sloan  
Federal Aviation Authority  
Safety and Environmental Compliance Manager  
9175 Kearny Villa Road  
San Diego, CA 92126

In reply refer to:  
**TSMC:50-3693.05:spease**

Dear Mr. Sloan,

**RE: INVESTIGATIVE ORDER NO. R9-2007-0102 FOR SOIL AND GROUND  
WATER INVESTIGATION, CORRECTIVE ACTION PLAN, AND INTERIM  
REMEDIAL ACTION  
Montgomery Field, 4298 Ponderosa Ave., San Diego, CA 92123**

This letter is being sent to you because you are identified as the party responsible (Discharger) for the leaking underground storage tank case located at 4298 Ponderosa Avenue, San Diego, San Diego County, California. Enclosed with this letter is Investigative Order No. R9-2007-0102, issued by the California Regional Water Quality Control Board, San Diego Region (Regional Board). The enclosed Order directs you to provide the Regional Board with technical reports for site conceptual model, workplan for soil and ground water investigation, a corrective action plan, and to document interim remedial actions you conduct for the case referenced above.

Beginning January 1, 2005, Dischargers are required to electronically submit all technical reports and monitoring reports generated to comply with requirements of the California Code of Regulations, CCR Title 23, Chapter 16, Article 11; and regulated by the Regional Board's Underground Storage Tanks Program. Order R9-2007-0094 requires you to comply with the applicable electronic reporting into the web-based Geotracker database, in compliance with requirements found in CCR Title 23, section 3890 *et seq.* You may wish to review these regulations on-line at [www.calregs.com](http://www.calregs.com).

You should be aware that the San Diego Regional Board staff is not responsible for the maintenance and administration of the Geotracker database. For information on how to access and use the Geotracker database, please contact the State Water Resources Control Board staff Mr. Hamid Foolad at (916) 341-5791, or the "Geotracker Help Desk" at (866) 480-1028 and via their web site: [Geotracker@waterboards.ca.gov](mailto:Geotracker@waterboards.ca.gov).

***California Environmental Protection Agency***

Mr. Sloan  
Order No. R9-2007-102  
Federal Aviation Authority  
Montgomery Field  
4298 Ponderosa Avenue, San Diego

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June 29, 2007

For your convenience, a link to the Geotracker and Electronic Reporting web page can be found on the State Water Board's web site at:

[http://www.waterboards.ca.gov/ust/cleanup/electronic\\_reporting/](http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/)

Any person failing or refusing to furnish information required under the authority of California Water Code (CWC) section 13267 or falsifying information submitted to the Regional Board pursuant to such a directive is guilty of a misdemeanor and may be subject to civil liability. Under CWC section 13268, a civil liability may be imposed administratively by the Regional Board in an amount of up to \$1,000 per day of violation (i.e., for each day of delay in submitting all information requested, or for each day that false information remains uncorrected).

If you wish to dispute the factual basis of, or the legal conclusions set forth in this order, you must submit all evidence and argument supporting rescission or modification of the order to the Regional Board within 14 days of the date of the order (July 13, 2007). Within 14 days the Regional Board will respond to your submission in writing, or advise you when a written response upholding, modifying, or rescinding the investigative order will be issued. You would have 30 days from the date of such response to file a petition for administrative review under Water Code section 13320 with the State Water Resources Control Board.

If you have any questions, or require additional assistance, please contact Ms. Sue Pease of my staff at (858) 637-5596.

Respectfully,



John H. Robertus  
Executive Officer  
San Diego Regional Water Quality Control Board

JHR:jro:sjp

c:\Montgomery Field\13267order.cover.ltr.doc

cc: Mr. Kelly Yamakawa, SAIC, P.O. Box 92007, Los Angeles, CA 9009-2007

Mr. Charles Dodge, SAIC, P.O. Box 92007, Los Angeles, CA 9009-2007

***California Environmental Protection Agency***

*Recycled Paper*

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

INVESTIGATIVE ORDER NO. R9-2007-00102

MONTGOMERY FIELD  
FEDERAL AVIATION AUTHORITY  
4298 PONDEROSA AVENUE  
SAN DIEGO, CA

The California Regional Water Quality Control Board, San Diego Region (herein after Regional Board) finds:

- 1. Unauthorized Discharge of Waste:** In 1998, an unauthorized discharge of petroleum hydrocarbon waste to soil was discovered at Montgomery Field, a Federal Aviation Authority site, located at 4298 Ponderosa Avenue, San Diego County, California. The waste was discharged from the leaking underground storage tank (LUST) system. In 2001, petroleum fuel related constituents were detected by analysis of groundwater beneath the site, creating a condition of pollution in the underlying ground water aquifer, and creating a threatened condition of contamination and nuisance to the ground water and nearby surface water.
- 2. Parties Responsible for the Discharge:** The Federal Aviation Authority (hereinafter the Discharger) is the party responsible for the discharge. At the time of the unauthorized discharge of waste, the City of San Diego owned the property, and the Discharger owned and operated the underground storage tank system on the property. As the owner and operator of the underground storage tank system, the Discharger caused the initial discharge of petroleum waste to soil and ground water at the station discovered in 1998.
- 3. Waste Discharges:** Petroleum fuel related constituents have been detected in ground water beneath the site. Dissolved phase petroleum hydrocarbons are summarized as follows:

<b>Constituent</b>	<b>Water Quality Objectives (micrograms per liter or <math>\mu\text{g/L}</math>)</b>	<b>Maximum Groundwater Concentration (<math>\mu\text{g/L}</math>)<sup>1</sup></b>
Benzene	1	1.9
Toluene	150	1.7
Ethylbenzene	300	1.4
Xylenes	1750	5.1
MTBE <sup>a</sup>	13	< 0.5

<sup>1</sup> February 7, 2007, Groundwater Monitoring Report, prepared by SAIC Corp.

a = MTBE is methyl-tertiary-butyl ether

The groundwater monitoring wells sampled are poorly constructed and therefore, the analytical results may not be representative of the ground water at the site.

- 4. Condition of Pollution:** The site is located in the Mission San Diego hydrologic subarea (HA 907.11) of the San Diego Hydrologic Unit of the San Diego River watershed. This subarea has designated beneficial uses for both surface and ground waters. Designated beneficial uses of ground water resources include:

- a) Potential municipal and domestic supply
- b) Agricultural supply
- c) Industrial service supply
- d) Industrial process supply

Designated beneficial uses of surface water resources include:

- a) Agriculture
- b) Industrial service supply
- c) Contact water recreation
- d) Non-contact water recreation
- e) Warm freshwater habitat
- f) Cold freshwater habitat
- g) Wildlife habitat

The concentrations of benzene (tabulated in Finding 3 of this Order) exceeds the water quality objectives prescribed by the Regional Board Water Quality Control Plan (Basin Plan) and primary maximum contaminant levels (MCL), for the protection of public drinking water supplies, established by the California Department of Health Services. The discharge of petroleum hydrocarbon constituents degrade the quality of ground water resources, impair the designated beneficial uses of the waters as identified in the Basin Plan, and create a condition of pollution in ground water.

- 5. Regulatory Authority and Necessity:** California Water Code section 13267 authorizes the Regional Board to investigate the quality of any water of the state within its region. The Regional Board may require Discharger to

submit technical and monitoring program reports. These findings provide the Discharger with a written explanation with regard to the need for the reports and identify the evidence that supports the requirement to submit the reports. The associated costs bear a reasonable relationship to the need for the actions, specifically the protection of water quality and beneficial uses.

- 6. Legal and Regulatory Authority:** This Order is based on (1) section 13267 of the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000); (2) applicable state and federal regulations; (3) all applicable provisions of statewide Water Quality Control Plans adopted by the State Water Resources Control Board and the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) adopted by the Regional Board including beneficial uses, water quality objectives, and implementation plans; (4) State Water Board policies and regulations, including State Water Resolution No. 68-16 (*Statement of Policy with Respect to Maintaining High Quality of Waters in California*) Resolution No. 88-63 (*Sources of Drinking Water*); California Code of Regulations (CCR) Title 23, Chapter 16, Article 11; CCR Title 23, section 3890 *et. seq.*, and (5) relevant standards, criteria, and advisories adopted by other state and federal agencies.
- 7. California Environmental Quality Act (CEQA):** This action is an order to enforce the laws and regulations administered by the Regional Board. As such, this action is categorically exempt from the provisions of the California Environmental Quality Act pursuant to section 15308 of the California Public Resources Code.

**IT IS HEREBY ORDERED**, pursuant to section 13267 of the California Water Code, that the Discharger must report results from field investigations on the effects of the discharge and comply with the following directives:

**A. TASKS**

- 1. Site Conceptual Model:** The Discharger must submit a site conceptual model (SCM) no later than **October 1, 2007**. The SCM is a written or pictorial representation of the release scenario and the likely distribution of waste at the site, as well as potential pathways and receptors. The SCM must identify and describe the types of wastes present including their distribution in space and time, and how the wastes are changing in space and time.

The SMC also must identify the potential, current and future receptors in the area; link potential sources to potential receptors through transport of wastes in the air, soil and water; and identify the fate and transport characteristics of the site. It should describe or show the physical characteristics and properties of the subsurface and identify the environmental issues that need to be investigated (and those issues that do not need to be addressed). The initial SCM must include data interpretations, a discussion of the level of uncertainty of conclusions, outline data gaps remaining in the conceptual model, and describe the additional work needed to fill identified data gaps and make recommendations for the next phase of the cleanup.

The SCM must be refined and updated as site characterization data becomes available. Updates to the SCM should be included in all future technical and quarterly monitoring reports submitted.

- 2. Workplan for Soil and Ground Water Investigation:** A workplan is due no later than **October 1, 2007**. Based on findings in the SCM, submit an adequate workplan and schedule for the next phase of this investigation. The workplan must propose tasks needed to obtain data to fill the data gaps identified in the SCM. A complete soil and ground water investigation must be performed to fully delineate the extent of fuel wastes in soil and the ground water. The performance goals in the workplan should address the data gaps identified in the SCM (see Task A.2 above) including:
  - a. Identify all wastes associated with the discharge and the horizontal and vertical extent of the wastes both on and off site to background levels in both the ground water and soil.
  - b. Characterize the geology and hydrogeology of the site with respect to transport of the wastes.
  - c. Determine the source(s), and nature of the discharge in the subsurface, and evaluate the impacts of the wastes on all existing and future sensitive receptors that could be affected by the wastes.
  - d. Determine the true groundwater table. If the current groundwater monitoring wells on site are not constructed to intercept the true groundwater table, proper destruction of these monitoring wells must be included in this Workplan.

The Discharger shall provide a technical report with the results from full implementation of the workplan. Implementation of the workplan will commence no later than 60 days after submission of the workplan. Within 60 days of the conclusion of the investigation the Discharger must submit a technical report including an adequate characterization of the source(s), nature and extent (both laterally and vertically) of the discharge, and addresses any pollutants that have migrated off-site. The information in the report must provide an adequate basis for determining subsequent cleanup and abatement actions.

4. **Corrective Action Plan:** The Discharger must prepare a Corrective Action Plan (CAP) and submit it to the Regional Board no later than **March 1, 2008**.

The CAP must satisfy the provisions of section 2725 of the regulations governing underground storage tanks (CCR, Title 23, Chapter 16 section 2600, *et seq.*). The CAP must identify and discuss a range of remedial action alternatives that may be implemented to cleanup petroleum fuel wastes and include a schedule for implementing the preferred remediation alternative. The CAP must consider mitigation of the following constituents in the affected ground water zones: benzene, toluene, total xylenes, ethylbenzene, methyl tertiary butyl ether, tertiary butyl alcohol and any other wastes which may have been released by the Discharger. All free phase petroleum hydrocarbon product (*i.e.*, light non-aqueous phase liquid or "LNAPL") must be removed and any sources of petroleum hydrocarbon wastes must be removed.

5. **Interim Remedial Actions:** The Discharger shall implement interim remedial actions to abate or correct the actual or potential effects of the unauthorized release pursuant to California Code of Regulations (CCR) Title 23, Chapter 16, section 2722(b) as necessary. Interim remedial actions may include but are not limited to: activities that remove all free product (or LNAPL), removal of petroleum hydrocarbon sources (*e.g.* soil saturated with petroleum hydrocarbons) and/or mitigation of pollution of all surface and ground waters affected by the waste discharge. The Discharger must notify the Regional Board of interim remedial actions, as follows:

- a. Interim Remedial Actions to mitigate emergency conditions. In writing with a technical report documenting any work performed to mitigate

emergency conditions or pollution or nuisance created by the discharge of petroleum hydrocarbons at the site. The Discharger must submit the technical report to the Regional Board within 15-days after completing the work to mitigate emergency conditions under this directive. Or,

- b. Interim Remedial Actions to mitigate non-emergency conditions. In writing with a proposed workplan to mitigation non-emergency conditions and schedule at least thirty days prior to initiating any interim remedial actions. The Discharger must implement their interim remedial actions within 30 days of submitting the workplan to the Regional Board.

## B. PROVISIONS

1. **No Pollution, Contamination or Nuisance:** The storage, handling, treatment, or disposal of soil containing petroleum hydrocarbon waste or polluted ground water must not create conditions of nuisance as defined in California Water Code section 13050(m). The Discharger must properly manage, treat and dispose of wastes and polluted ground water in accordance with applicable federal, state and local regulations.
2. **Good Operation and Maintenance:** The Discharger must maintain in good working order and operate as efficiently as possible any monitoring system, facility or control system installed to achieve compliance with the requirements of this Order.
3. **Contractor/Consultant Qualifications:** All technical documents must be signed by and stamped with the seal of a California licensed professional geologist, or a California licensed civil engineer.
4. **Lab Qualifications:** All samples must be analyzed by California State-certified laboratories using approved EPA methods for the type of analysis to be performed. All laboratories must maintain quality assurance/quality control (QA/QC) records for Regional Board review.
5. **Reporting of Changed Owner or Operator:** The Discharger must notify the Regional Board of any changes in site occupancy or ownership associated with the property described in this Order.



- 6. Penalty of Perjury Statement.** All reports must be signed by the Dischargers' principal executive officer or their duly authorized representative, and must include a statement by the official, under penalty of perjury, that the report is true and correct to the best of the official's knowledge.
- 8. Electronic Data Submittals:** All information submitted to the Regional Board in compliance with this Order in paper copy format is also required to be submitted electronically via the Internet into the GeoTracker database. To comply with section 3893, Title 23, CCR; your update to the Geotracker database must include the following minimum information:
- a. Data generated after the effective date of the regulations by chemical analysis of soil, vapor, or water samples (including surface water, groundwater and influent/effluent water samples from remediation systems), shall be submitted in Electronic Data File (EDF) format.
  - b. The latitude and longitude of any permanent monitoring well for which data is reported in EDF format, accurate to within 1 meter and referenced to a minimum of two reference points from the California Spatial Reference System (CSRS-H), if available.
  - c. The surveyed elevation relative to a geodetic datum of any permanent monitoring well.
  - d. The elevation of groundwater in any permanent monitoring well relative to the surveyed elevation.
  - e. A site map or maps showing the location of all sampling points referred to in the report.
  - f. The depth to the screened interval and the length of screened interval for any permanent monitoring well.
  - g. Boring logs, in PDF format.
  - h. A complete copy of the report, in PDF format, which includes the signed transmittal letter and professional certification.

Mr. Winston Sloan  
Order No. R9-2007-102 for  
RWQCB case 9UT3693  
Montgomery Field  
Federal Aviation Authority


June 29, 2007

The GeoTracker website address is  
<http://www.geotracker.waterboards.ca.gov>. Deadlines for electronic  
submittals coincide with deadlines for paper copy submittals

9. **Regulations:** All corrective actions must be in accordance with the provisions of California Code of Regulations Title 23, Chapter 16, and the Cleanup and Abatement Policy in the *Water Quality Control Plan for the San Diego Basin (9)*.

**C. PROHIBITIONS**

1. The discharge of wastes or hazardous substances in a manner that will degrade water quality or adversely affect the water quality needed to sustain beneficial uses of waters of the State is prohibited.
2. Further significant migration of wastes or hazardous substances through subsurface transport to waters of the State is prohibited.
3. Activities associated with the subsurface investigation and cleanup, which will cause significant adverse migration of wastes or hazardous substances, are prohibited.

  
JOHN H. ROBERTUS  
Executive Officer  
June 29, 2007

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY  
SUBJECT YOU TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED  
TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE  
SECTION 13268 OR REFERRAL TO THE ATTORNEY GENERAL FOR  
INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY